

STATE OF INDIANA ) IN THE ALLEN SUPERIOR COURT  
 ) SS:  
COUNTY OF ALLEN ) CAUSE NO. \_\_\_\_\_  
  
TINA M. BROWN, )  
 )  
Plaintiff, )  
 )  
v. )  
LUTHERN HOMES INC., d/b/a )  
LUTHERAN LIFE VILLAGES, )  
 )  
Defendants. )

**COMPLAINT**

COMES NOW Plaintiff Tina M. Brown, by counsel, and alleges against the Defendant as follows:

1. In this Complaint, Plaintiff Tina M. Brown alleges that she was discriminated against and discharged on account of her race and color (African American/black), her sex (female) her age (61 years old at the time of termination), and that she suffered retaliation after opposing and speaking out against the discriminatory acts by the defendant – all contrary to Title VII of the Civil Rights Act of 1964, 42 U.S. C § 2000e *et seq.* (“Title VII”) 42 U.S.C. § 1981, the Age Discrimination in Employment Act of 1967, 29 U.S.C. § 621 *et seq.* (“ADEA”) – as it specifically describes in her Charge of Discrimination No. 470-2022-02901, attached hereto as and made a part hereto as Exhibit A. The Equal Employment Opportunity Commission (“EEOC”) issued a Determination of Charge /Notice of Right to Sue on or about September 20, 2022, a copy of which is attached as Exhibit B, and this Complaint has been filed within 90 days after receipt thereof.

2. Defendant Lutheran Home Inc. d/b/a Lutheran Life Villages is a corporation which does business at 6723 South Anthony Blvd., Fort Wayne, IN 46816. Defendant's resident agent is Alex Kiefer located at 6701 South Anthony Boulevard, Fort Wayne, Indiana 46816.

Defendant Lutheran Homes, Inc. is an "employer" for purpose of Title VII, the ADEA, and 42 U.S.C. § 1981 (which prohibits employers from discriminating against employees on the basis of race, and specifically, prohibits employers from treating Caucasians preferentially with respect to the terms, conditions, benefits and privileges of employment including contractual at/will benefits of employment).

3. Plaintiff was a long term and loyal employee for the Defendant from about June 11, 2006 until her discriminatory and retaliatory discharge on or about December 9, 2021. Plaintiff was paid less than similarly situated employees who were under 40, and/ or who were a different color and race than the Plaintiff. At the time of discharge, Plaintiff was 61 years old and had held the position of Dining Services Assistant at the time of her discharge.

4. On or about December 7, 2021, Plaintiff was assaulted by a substantially younger male employee, Edward Jones, who aggressively approached the Plaintiff as if he was going to hit her, when a fellow co-employee intervened and prevented the male co-employee from attacking the Plaintiff. Plaintiff was frightened and she told the aggressive male co-employee that she would let her boyfriend know that the male co-worker was about to hit her and also tell the co-worker's wife know that he was having an affair. The aggressive male, younger employee, was not terminated, and Plaintiff suffered

disparate treatment in that she, the elderly victim, was terminated.

5. Plaintiff suffered racial discrimination in that she was only making \$13.20 per hour, and she learned that other Dining Services Assistants outside of her protected classes were paid at the rate of \$15.00 per hour.
6. As set forth in Charge of Discrimination No. 470-2022-02901 (attached as Exhibit A) Plaintiff alleges that she is entitled to compensatory damages, liquidated damages, and punitive damages as well as reasonable attorney fees and costs.

WHEREFORE, Plaintiff prays for judgment against the Defendant, for pecuniary damages, compensatory damages, liquidated damages under the ADEA, and punitive damages under Title II and §1981, and for all other just and proper relief under Title II, the ADEA, and 42 U.S.C. §1981, including attorneys fees and costs.

**JURY DEMAND**

Pursuant to Rule 38 of the Indiana Rules of Trial Procedure, Plaintiff demands a trial by jury in this action.

Respectfully submitted,

MYERS SMITH WALLACE, LLP

*/s/ Christopher C. Myers*

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